

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DANIEL JEAN LIPSMAN,

Plaintiff,

-v-

LORRAINE CORTES-VASQUEZ,

Defendant.  
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21-CV-4631 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

On June 21, 2021, the Court directed Plaintiff to file *either* an opposition to Defendant’s motion to dismiss *or* an amended complaint by July 8, 2021. ECF No. 21. On June 23, 2021, Plaintiff filed an opposition, ECF No. 22, and on June 24, 2021, Plaintiff filed what he describes as an “amended complaint.” ECF No. 23 (“Amended Complaint”).

Plaintiff’s “amended complaint,” however, does not even remotely comply with the requirements for a complaint under Rule 8 of the Federal Rules of Civil Procedure. Among other things, that Rule requires a complaint to include “a short and plain statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2). Additionally, a plaintiff must plead “factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). Plaintiff’s “amended complaint” does neither. Instead, it merely “asks the Court to see this as a Class Action matter” and “posits that the agency action” — which is not even alleged in the “amended complaint” — violates the rights of “aggrieved members of the 250 senior centers in NYC funded in part by the NYC Dep’t for the Aging . . . under 42 USC 1983 and the 14th Amendment in regard to equal protection of the laws.” Amended Complaint at 1.

In light of Plaintiff’s *pro se* status, the Court grants him another opportunity to file an amended complaint that satisfies the requirements of Rule 8. To be clear, the amended complaint will replace, not supplement, the original complaint, and thus must include, among other things, “a short and plain statement of the claim showing that [Plaintiff] is entitled to relief,” Fed. R. Civ. P. 8(a)(2), which means that Plaintiff should include sufficient factual allegations to support his claims. Plaintiff shall file any such amended complaint by **July 8, 2021**. If Plaintiff files an amended complaint, Defendant shall, **within two weeks of the date of filing**, (1) file an answer; (2) file a new motion to dismiss; or (3) file a letter on ECF stating that she relies on the previously filed motion to dismiss.

In light of Plaintiff’s apparent intention to amend the complaint, Defendant need not

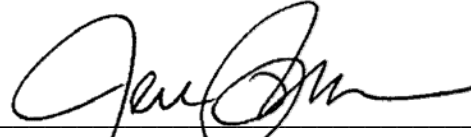
reply at this time to the opposition that Plaintiff filed on June 23, 2021. If Plaintiff fails to file an amended complaint by the deadline, Defendant shall file any reply responding to Plaintiff's opposition by **July 15, 2021**. If Plaintiff does file an amended complaint, Defendant need not file a reply and the Court will disregard Plaintiff's opposition.

Finally, Plaintiff is reminded that his deadline to file a reply in support of his motions for a preliminary injunction and judgment on the merits is **June 30, 2021**.

The Clerk of Court is directed to mail a copy of this Order to Plaintiff.

SO ORDERED.

Dated: June 25, 2021  
New York, New York

A handwritten signature in black ink, appearing to read 'Jesse M. Furman', written over a horizontal line.

JESSE M. FURMAN  
United States District Judge